

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE EXECUTIVE SECRETARY**

**INTERNATIONAL LONGSHOREMEN'S
ASSOCIATION, LOCAL 1740,
AFL-CIO (SSA SAN JUAN, INC.)**

and

**LUIS M. MONTES PÉREZ, AN
INDIVIDUAL**

Case 12-CB-210091

Case 12-CB-22003

Case 12-CB-220487

Case 12-CB-221955

MOTION TO DISMISS CERTAIN CAUSES OF ACTION

Respondent International Longshoremen's Association, Local 1740, AFL-CIO (hereinafter Respondent Union) through their undersigned attorneys, respectfully avers and prays as follows:

FACTS

1. The original charge in case 12-CB-210091 was filed by Luis M. Montes Perez on November 17, 2017.
2. In the ORDER FURTHER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT, AND NOTICE OF HEARING dated December 7, 2018, Section 6, the National Labor Relations Board (hereinafter "The Board") alleges that:
 - a. Since or about March 31, 2017 respondent have failed and refused to refer Luis M. Montes Perez to employment with the employer;
 - b. Since or about March 31, 2017 respondent have failed and refused to refer Luis Davila to employment with the employer;
 - c. Since or about March 31, 2017 respondent have failed and refused to refer Angel Garcia to employment with the employer;

3. As a recap:
 - a. The alleged unfair labor practice violations started March 31, 2017.
 - b. The statute of limitations established by Section 10(b) of the National Labor Relations Act (“NLRA”) is six months. The statute of limitations of these alleged events *was due on September 31, 2017*.
 - c. The original Charge *was filed on November 17, 2017*.
4. A plain reading of both documents shows that “The Board” lacks jurisdiction to prosecute the instant case, regarding the actions described in Sections 6(a)-(c) of the Consolidated Complaint, and all unfair labor practices related to referral for employment of Luis M. Montes Perez, Luis Davila and Angel Garcia. The charge was filed, by the Charging Party, *almost 8 months after the alleged unfair labor practice*.

DISCUSSION:

5. **THE LAW.** Section 10(b) of the NLRA, in its relevant part provides that:

...no complaint shall [be] issue[d] based upon any unfair labor practice occurring more than six months prior to the filing of the charge with the Board and the service of a copy thereof upon the against whom such charge is made.
6. In *Kelley v. NLRB*, 79 F.3d 1238, the First Circuit recognized that Congress added the time limitation to discourage dilatory filing of unfair labor practice charges and to “bar litigation over past events ‘after records have been destroyed, witnesses have gone elsewhere, and recollections of the events in question have become dim and confused.’ ” *Local Lodge No. 1424, Int’l Ass’n of Machinists v. NLRB*, 362 U.S. 411, 419, 80 S.Ct. 822, 828, 4 L.Ed.2d 832 (1960) (quoting H.R.Rep. No. 245, 80th Cong., 1st Sess. 40); see *Silver Bakery, Inc.*, 351 F.2d at 39. Under current law, the section 10(b) period begins to run when the “aggrieved individual has actual notice that an unfair labor practice has been committed.” *Esmark, Inc. v. NLRB*, 887 F.2d 739, 745 (7th Cir.1989). *An adverse employment decision provides such notice*. *Id.* at 745-46.

7. Although a complaint may be timely filed under Section 10(b), “a finding of a violation which is inescapably grounded on events predating the limitations period is directly at odds with the purposes of the 10(b) proviso.” *Machinist Lodge 1424 v. NLRB*, 362 U.S. 411, 422, 45 LRRM 3212 (1960); *Gvozdenovic v. United Air Lines, Inc.*, 933 F.2d. 1100, 1106, 137 LRRM 2534 (2d Circ. 1997).
8. As a general rule, the cause of action accrues, and the statute of limitations begins to run “when a claimant discovers, or in the exercise of reasonable diligence should have discovered, the acts constituting the alleged violation”, *Metz v. Tootsie Roll Indus.*, 715 F.2d 299, 304 (7th Cir. 1983)
9. Here, the aforementioned Charging parties should have become aware of the alleged violation in March 31, 2017. That’s the date when the statute of limitations started running. They also knew they had a cause of action *before the statute of limitations was due*, since they were already in contact with NLRB personnel by September 14, 2017.
10. These actions must be dismissed with prejudice for lack of jurisdiction due to the statute of limitations of Section 10(b) regarding the actions described in Sections 6(a)-(c) of the Consolidated Complaint, and all unfair labor practices related to referral for employment of Luis M. Montes Perez, Luis Davila and Angel Garcia.

INAPPROPRIATE TOLLING OF STATUTE OF LIMITATIONS

11. In Section 7(a) and (b) of the CONSOLIDATED COMPLAINT, “The Board” makes reference to a letter dated September 14, 2017. This communication, signed by Luis M. Montes, Angel García and Luis Dávila, is nothing more than a request for information of the internal Union Rules and minutes or recordings of an assembly, regarding a *disciplinary procedure*. Nothing in this letter makes reference to any job referrals. **Exhibit I**¹
12. We perceive the Board’s interpretation or construction that this letter may signify anything more than

¹ Due to the time constraints regarding this case, we submit this evidence in Spanish. We are already consulting our resources to produce an official translation in case it is required.

it does -including job referrals- as nothing more than a blunt attempt to circumvent the statute of limitations of the NLRA, by some kind of equitable tolling.

13. "The essence of the equitable tolling doctrine is that a statute of limitations does **not** run against a plaintiff who is unaware of his or her cause of action." ABA's LABOR UNION LAW AND REGULATION, (2nd Ed.), page 4-123. *This is **not** the case.*
14. "The [equitable tolling] doctrine applies when the... union's fraudulent or misleading conduct is responsible for the employee's ignorance of his or her cause of action.", ABA's LABOR UNION LAW AND REGULATION, (2nd Ed.), page 4-123.
15. In this case, there can be **no** tolling of the statute of limitations. The aforementioned Charging Parties should have filed their charges by *September 31, 2017*, but they did **not**.
16. These actions must be dismissed with prejudice for lack of jurisdiction due to the statute of limitations of Section 10(b) regarding the actions described in Sections 6(a)-(c) of the Consolidated Complaint, and all unfair labor practices related to the referral for employment of Luis M. Montes Perez, Luis Davila and Angel Garcia.

CONCLUSION

1. The issues presented in this motion are of the utmost importance for the appropriate resolution of this case. We have been in constant communication with the NLRB, regarding settlement negotiations.
2. Unfortunately, as lawyers, we may not recommend a transaction that involves a barred action.
3. We respectfully request that this motion be solved prior to continue with due process of remaining causes of action.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 28 day of January 2019.

I CERTIFY that on this same date I electronically filed the foregoing with the NLRB system and send a notification to the charging parties, at their electronic address of record.

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UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed November 17, 2017

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name Union de Trabajadores de Muelles ILA 1740	b. Union Representative to contact Carlos Sanchez, President	
c. Address (Street, city, state, and ZIP code) P.O. Box 13956 San Juan, PR 00908	d. Tel. No. 787-725-3271	e. Cell No.
	f. Fax No. 787-325-3250	g. e-Mail

h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) 1(a) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since or about September 2017, the above named Union de Trabajadores de Muelles ILA 1740, by its agents and representatives, has failed in its duty to adequately represent Union members Luis Montes Perez, Luis Davila Garcia and Angel Garcia Ruvira, by failing to provide relevant information requested in writing on September 14, 2017.

Further, since or about May 22, 2017, the above named Union de Trabajadores de Muelles ILA 1740, by its agents and representatives, has failed in its duty to adequately represent Union members Luis Montes Perez, Luis Davila Garcia and Angel Garcia Ruvira, by expelling them from the Union, and by refusing to allow them work.

3. Name of Employer SSA Marine	4a. Tel. No. 787-696-1379	b. Cell No.
	c. Fax No.	d. e-Mail ricardo.alvarado@ssamarine.com
5. Location of plant involved (street, city, state and ZIP code) P.O. Box 16758 San Juan PR 00902		6. Employer representative to contact Ricardo Alvarado, General Manager
7. Type of establishment (factory, mine, wholesaler, etc.) Corporation	8. Identify principal product or service Shipping	9. Number of workers employed 90
10. Full name of party filing charge Luis M. Montes Perez	11a. Tel. No.	b. Cell No. 787-638-3837
	c. Fax No.	d. e-Mail montes3157@yahoo
11. Address of party filing charge (street, city, state and ZIP code.) Urb. Monte Subacio Calle 11 K-20, Gurabo, PR 00778		

12. DECLARATION		Tel. No. same as above	
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.		Cell No. same as above	
By <u>Luis M. Montes Perez</u> (signature of representative or person making charge) (Print/type name and title or office, if any)		Fax No.	
Address same as above		e-Mail same as above	
Date <u>11/17/17</u>			

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SUBREGION 24**

UNION DE TRABAJADORES DE MUELLES,
LOCAL 1740, INTERNATIONAL
LONGSHOREMEN'S ASSOCIATION, AFL-CIO
(SSA SAN JUAN, INC.)

and

LUIS M. MONTES PEREZ, an Individual

Case 12-CB-210091

and

JUAN RAMON COLON MORALES, an Individual

Case 12-CB-220003

and

MIGUEL MEDINA, an Individual

Case 12-CB-220487

and

NOEL GARCIA PENA, an Individual

Case 12-CB-221955

**ORDER FURTHER CONSOLIDATING CASES,
CONSOLIDATED COMPLAINT, AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, IT IS ORDERED that Case 12-CB-210091 filed by Luis M. Montes Perez, an individual, against Union de Trabajadores de Muelles, Local 1740, International Longshoremen's Association, AFL-CIO (Respondent), in which a Complaint and Notice of Hearing issued on March 29, 2018, Case 12-CB-220003 filed by Juan Ramon Colon Morales, an individual, against Respondent, in which a Complaint and Notice of Hearing issued on July 31, 2018, Case 12-CB-220487 filed by Miguel Medina, an individual, in which a Complaint and Notice of Hearing issued on August 31, 2018, and Case

12-CB-221955 filed by Noel Garcia Pena, an individual, against Respondent, in which a Complaint and Notice of Hearing issued on September 28, 2018, are consolidated.

This Order Further Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on the charges in these cases, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. Sec. 151 et seq., and Section 102.15 of the Board's Rules and Regulations and alleges that Respondent has violated the Act as described below.

1.

(a) The original charge in Case 12-CB-210091 was filed by Luis M. Montes Perez on November 17, 2017, and a copy was served on Respondent by U.S. mail on the same date.

(b) The first amended charge in Case 12-CB-210091 was filed by Luis M. Montes Perez on February 28, 2018, and a copy was served on Respondent by U.S. mail on the same date.

(c) The charge in Case 12-CB-220003 was filed by Juan Ramon Colon Morales on May 10, 2018 and a copy was served on Respondent by U.S. mail on the same date.

(d) The charge in Case 12-CB-220487 was filed by Miguel Medina on May 18, 2018, and a copy was served on Respondent by U.S. mail on the same date.

(e) The original charge in Case 12-CB-221955 was filed by Noel Garcia Pena on June 13, 2018 and a copy was served on Respondent by U.S. mail on the same date.

(f) The first amended charge in Case 12-CB-221955 was filed by Noel Garcia Pena on June 27, 2018 and a copy was served on Respondent by U.S. mail on the same date.

2.

(a) At all material times, SSA San Juan, Inc. (the Employer) has been a corporation with an office and place of business in San Juan, Puerto Rico and has been engaged in providing terminal management and stevedoring services to International Shipping Agency, Inc. and Tote

Maritime Puerto Rico, a joint venture d/b/a Puerto Rico Terminals (PRT), including the handling, loading and unloading of cargo at Puerto Nuevo, San Juan, Puerto Rico.

(b) During the past 12 months, in conducting its business operations described above in paragraph 2(a), the Employer received gross revenues in excess of \$50,000 from PRT, an enterprise which imported freight valued in excess of \$50,000 to the Commonwealth of Puerto Rico directly from points located outside the Commonwealth of Puerto Rico.

(c) Based on its operations described above in paragraphs 2(a) and 2(b), the Employer functions as an essential link in the transportation of freight in interstate commerce.

(d) During the past 12 month period, the Employer, in conducting its business operations described above in paragraph 2(a), purchased and received at its facility in San Juan, Puerto Rico, goods valued in excess of \$50,000 directly from points outside the Commonwealth of Puerto Rico.

(e) At all material times, the Employer has been an employer engaged in commerce within the meaning of Section 2(2) (6) and (7) of the Act.

3.

At all material times Respondent has been a labor organization within the meaning of Section 2(5) of the Act.

4.

At all material times, the following individuals held the positions set forth opposite their respective names and have been agents of Respondent within the meaning of Section 2(13) of the Act:

Víctor Aponte	-	Vice-president
Jose Lebron	-	Vice-president

Eduardo Miranda	-	Secretary
Angel Ramirez	-	Hatchtender
Hwascar Rentas	-	Treasurer
Gerix Rondon	-	Board of Directors Delegate/Shop Steward
Carlos Sanchez	-	President
Carlos Williams	-	President of Disciplinary Committee

5.

(a) The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All winch operators, signalmen, stevedores, plank men, drivers, car attendants, hatchtenders, boss foreman, motorists (including operators of all types of motorized equipment such as ground cranes, fingerlifts, top-loaders and/or any other similar type of motorized equipment), and water carriers who work at the San Juan port; excluding supervisors, managers, administrative personnel, clerks, professional employees, confidential employees and security employees.

(b) At all material times, since on or about June 28, 2016, the Employer has recognized Respondent as the exclusive collective-bargaining representative of the employees in the Unit. This recognition is embodied in a collective-bargaining agreement, effective by its terms from June 28, 2016 to September 30, 2019.

(c) At all times, since on or about June 28, 2016, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

(d) On or about June 28, 2016, and at all material times, the Employer and Respondent entered into, and since then have maintained and enforced, a practice providing that Respondent is the exclusive source of referrals of employees for employment with the Employer in San Juan, Puerto Rico, in the unit described above in paragraph 5(a).

6.

(a) Since on or about March 31, 2017, Respondent has failed and refused to refer Luis M. Montes Perez to employment with the Employer.

(b) Since about March 31, 2017, Respondent has failed and refused to refer Luis Davila to employment with the Employer.

(c) Since about March 31, 2017, Respondent has failed and refused to refer Angel Garcia to employment with the Employer.

(d) Since on or about January 11, 2018, Respondent has failed and refused to refer Juan Ramon Colon Morales to employment with the Employer.

(e) On or about May 9, 2018, Respondent implemented, and since then has maintained, changes to its referral system, including the elimination of the rights of users of its referral system to register on certain lists for referral to employment with the Employer.

(f) Respondent implemented the changes described above in paragraph 6(e) without first notifying the users of its referral system.

(g) Since on or about May 9, 2018, Respondent has failed and refused to establish and apply objective criteria for the referral of employees for employment with the Employer.

(h) Since on or about May 10, 2018, pursuant to the changes described above in paragraph 6(e), Respondent has failed and refused to permit Noel Garcia Pena to register to work on the Employer's Gang 2, thereby preventing him from working on the Employer's Gang 2 and reducing his work opportunities.

7.

(a) On or about September 14, 2017, Luis M. Montes Perez, Angel Garcia and Luis Davila, users of Respondent's referral system described above in paragraph 5, made a written

request to Respondent to provide them with a copy of the minutes of Respondent's general membership meeting on November 9, 2016, in order to determine whether they have been treated fairly regarding job referrals by Respondent and discipline imposed on them by Respondent.

(b) Since on or about September 14, 2017, Respondent has failed and refused to provide Luis M. Montes Perez, Angel Garcia and Luis Davila with the information described above in paragraph 7(a).

8.

On or about May 16, 2018, Respondent, by Carlos Williams, via telephone conversation, threatened employees with loss of employment opportunities and other reprisals for refusing to withdraw the unfair labor practice charge filed with the Board in Case 12-CB-217876.

9.

By the conduct described above in paragraphs 6(a) through 6(h), 7(a), 7(b) and 8, in connection with its representative status described above in paragraph 5, Respondent has failed to represent Luis M. Montes Perez, Angel Garcia, Luis Davila, Juan Ramon Colon Morales, Noel Garcia Pena and other employees for reasons that are arbitrary, discriminatory, or in bad faith, and has breached the fiduciary duty it owes to said employees.

10.

Respondent engaged in the conduct described above in paragraphs 6(a) through 6(d) and 6(h) for reasons other than the failure of the employees named therein to tender the periodic dues and the initiation fees uniformly required for membership in Respondent.

11.

By the conduct described above in paragraphs 6(a) through 6(h), 7(a), 7(b), 8 and 9, Respondent has been restraining and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act, in violation of Section 8(b)(1)(A) of the Act.

12.

By the conduct described above in paragraphs 6(a) through 6(d), 6(h), 8 and 9, Respondent has been attempting to cause and causing an employer to discriminate against employees in violation of Section 8(a)(3) of the Act, in violation of Section 8(b)(2) of the Act.

13.

The unfair labor practices of Respondent described above affect commerce within the meaning of section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the consolidated complaint. The answer must be **received by this office on or before December 21, 2018, or postmarked on or before December 20, 2018.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlrb.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon

(Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the consolidated complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **January 15, 2019, at 9:30 a.m., at the NLRB Hearing Room, La Torre de Plaza, Plaza Las Americas Mall, Suite 1002, 525 F.D. Roosevelt Ave., San Juan, Puerto Rico**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding shall have the right to appear and present testimony regarding the allegations in the consolidated complaint. The procedures to be followed at the hearing are described in the attached Form

NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: December 7, 2018.



David Cohen, Regional Director
National Labor Relations Board, Region 12
201 East Kennedy Boulevard, Suite 530
Tampa, Florida 33602-5824

Attachments

**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE**

Case 12-CB-210091

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Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.

- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.
- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more

pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

14 de septiembre de 2017.

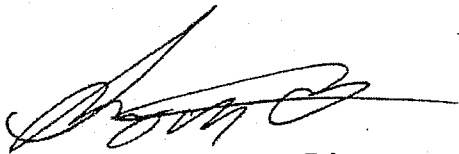
Para: Srs. Carlos Sánchez Ortiz, Presidente ILA 1740
Eduardo Miranda, Secretario de Actas ILA 1740
Junta de Directores, ILA 1740

Asunto: Proceso disciplinario

Estimado presidente y Junta de Directores de la Unión ILA 1740 sirva la presente para pedirle copia del reglamento interno de la unión local ILA 1740 según tenemos derecho por ser miembros bonafide. Además al presente seguimos en espera de que se nos haga llegar copia de las minutas y o las grabaciones de la pasada asamblea del 9 de noviembre del 2016.

Espero que se nos conteste en los próximos días laborables. Gracias

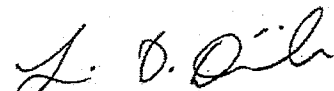
CC: Junta Nacional de Relaciones del Trabajo Federal



Luis Miguel Montes Pérez

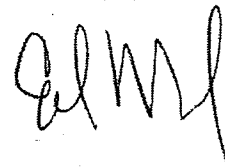


Ángel García



Luis O. Dávila

Recibido por :



14 sept 2017